

**UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS**

YOURFAVORITE.COM
Richard Rogers, Pro Se

V.
SSNET, INC.

Thomas J. Walker
Vcheck Solutions

CIVIL ACTION
NO.

Complaint and
Demand for Jury Trial

FILED
IN CLERK'S OFFICE

COMPLAINT FOR COPYRIGHT INFRINGEMENT

Plaintiff Richard Rogers, on personal knowledge as to their own actions and on information and belief as to the actions, capabilities, and motivation of others, hereby alleges as follows:

NATURE OF CASE

1. On January 24, 2020 the Plaintiff became aware that on a daily basis, beginning on or before October 2014, and continuing until this day, the Defendants engaged in the infringement of the Plaintiff's copyrighted materials, and published the copyrighted content on its own public websites.
2. On or about October 2014, The Defendants plagiarized and used, in its entirety, the original content authored by the Plaintiff as part of its company website, claiming the content as their own by falsely copyrighting the material at vcheckolutions.com, and on a daily basis posting hundreds of advertisements on public search engines for their Colorado corporation, in direct competition with companies selling similar products and services who use the content legally, and under valid license for a fee.
3. The Defendants used and altered the copyright material, and featured the content in a PDF, offered for download and distribution. This altered material distributed in downloadable form was also claimed as original content by the Plaintiff.
4. In a demonstration of willful, knowing and deliberate copyright infringement, after the Defendants displayed content that mentioned the competing brands posted on their website, they altered the brand names to include their own branding within the infringing materials when preparing the PDF file for public download as an e-book.
5. On account of the Defendant's conduct, Defendants are liable to Plaintiffs for copyright infringement. Defendants are liable for direct infringement for

unlawfully, and deliberately publishing, and distributing Plaintiff's copyrighted original content for commercial gain, and for claiming false copyright.

Parties

6. The Plaintiff YOURFAVORITE.COM is a DBA name in the Commonwealth of Massachusetts, in the United States.
7. The Plaintiff Richard Rogers, Pro Se, is a resident of Boston, Massachusetts and citizen of the United States.
8. The Defendant, SSNet, Inc. is a Colorado corporation, located in the United States.
9. The Defendant, Thomas J. Walker, is a resident of Colorado, and is a citizen of the United States.
10. The Defendant, VCheck Solutions is a DBA name operated by SSNet, Inc., and Thomas J. Walker, as a business located in Colorado, in the United States.

Jurisdiction

11. This court has jurisdiction over this matter pursuant to 28 U.S.C. §1338 (a), (b).

Facts

12. On January 24, 2020, the Defendants were discovered by the Plaintiff to have unlawfully obtained content copyrighted to the Plaintiff, and used the content on their website. **[Exhibit A]**
13. Forensic evidence from the Internet Archive shows infringement began on or about October 2014 **[Exhibit B]**
14. Forensic evidence from the Internet Archive shows the Defendants altered and updated their claim to false copyright in 2014, 2015, 2016, 2017, 2019 and 2020.
15. On or before April 2016 the Defendant created a separate technical support website for its customers, also containing the full content of the copyright material in question, but also re-wrote this copyright material into a PDF format where the content was slightly altered to eliminate the competing brands CheckWriter and RoutingTool.
<https://web.archive.org/web/20160402215052/http://vchecksupport.com/merchant-support/decoding/> **[EXHIBIT C]**
16. CheckWriter™ and RoutingTool™ are brands with Licensed Use Agreements, and are customers of the Plaintiff who pay for the subject content. These brands CheckWriter™ and RoutingTool™ are mentioned within the text of the content

plagiarized, and published by the Defendants. When plagiarized and published at the Defendant's website, the use of the brand names continued.

[See EXHIBIT A]

17. The Plaintiff has registered this work entitled "Reasons for Return" with the United States Copyright Office Case #: 1-8507543631 with application for registration pending. True and complete copies of registration certificates or applications for registration of works known to have been infringed are part of the United States Copyright Office Case #: 1-8507543631.
18. The Defendants willfully and knowingly, and most deliberately infringed on the Plaintiff's copyright by posting the Plaintiff's copyrighted content over and over again, and even paid substantially for advertising designed to drive customers to the content.
19. The Defendants willfully and knowingly, and most deliberately created a downloadable and distributable publication entitled "Decoding Returned Check Codes". https://vchecksupport.com/files/2514/5667/9814/Decoding_Returned_Checks_Codes.pdf
20. On or before April 2016, The Defendants created a new copyright claim at the website containing a downloadable copy of the subject content linked from the text, "DMCA Copyright Notifications," to a website claiming the policy of the Defendants regarding material they plagiarized, and entitled "Digital Millennium Copyright Act Policy".
21. The Defendants within their policy web page: <https://vchecksupport.com/dmca-policy/> claim the following:

"We respect the intellectual property rights of others just as we expect others to respect our rights. Pursuant to Digital Millennium Copyright Act, Title 17, United States Code, Section 512(c), a copyright owner or their agent may submit a takedown notice to us via our DMCA Agent listed below. As an internet service provider, we are entitled to claim immunity from said infringement claims pursuant to the "safe harbor" provisions of the DMCA."
22. The Defendants claim to be an Internet Service Provider is false. The Defendants do not provide hosting services for a fee, or hosting for end user content, and have no claim to Title 17 "immunity" for this status. The Defendants do not meet the criteria for status as an Internet Service Provider.
23. The Defendants posting upon the Plaintiff's copyright material, as statement linking to the DMCA policy where the Defendants claim, "we are entitled to claim immunity from said infringement claims pursuant to the "safe harbor" provisions of the DMCA," should be considered a false claim of copyright.
24. The Defendants, claimed material belonging to the Plaintiff, and copyright to the Plaintiff, as actually copyright to "Vcheck Solutions," at the Defendant's websites. [Exhibit D]

25. The Defendants willfully and knowingly used the Plaintiff's copyrighted article as their own, for the purpose of commercial gain. This continued for at least 5 years and 3 months, or more.
26. The Defendants willfully and knowingly used the copyrighted content belonging to the Plaintiff, as a link from the Defendant's home page, and featured the content for download at their technical support website.
<https://vchecksupport.com/merchant-support/decoding/>

WHEREFORE, the Plaintiff demands judgment against the Defendants for immediate and permanent injunctive relief, ordering the Defendant to return all copyright material and intellectual property to the Plaintiff, and remove all copyright material from the Internet, or from any other media in publication that is controlled by the Defendants.

WHEREFORE, the Plaintiff demands judgment against the Defendants for immediate and permanent injunctive relief, ordering the Defendant remove all false claims of copyright from any websites or publications they control.

WHEREFORE, the Plaintiff demands judgment against the Defendants for the actual costs associated with resolving this issue, including court costs, filing fees, postage and service expenses.

WHEREFORE, the Plaintiff demands a declaratory judgment against the Defendants that the Defendants are not considered an "Internet Service Provider."

WHEREFORE, the Plaintiff demands judgment against the Defendant for the Statutory Damages as an infringement that was committed willfully, under Sec. 504 (c) (2) and asks for an award as the court sees fit.

The Plaintiff demands a jury trial.

Under Federal Rule of Civil Procedure 11, by signing below, I certify to the best of my knowledge, information, and belief that this complaint: (1) is not being presented for an improper purpose, such as to harass, cause unnecessary delay, or needlessly increase the cost of litigation; (2) is supported by existing law or by a nonfrivolous argument for extending, modifying, or reversing existing law; (3) the factual contentions have evidentiary support or, if specifically so identified, will likely have evidentiary support after a reasonable opportunity for further investigation or discovery; and (4) the complaint otherwise complies with the requirements of Rule 11.

I agree to provide the Clerk's Office with any changes to my address where case-related papers may be served. I understand that my failure to keep a current address on file with the Clerk's Office may result in the dismissal of my case.



Respectfully Submitted: 2/13 2020

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